

**MORRISON | FOERSTER**

755 PAGE MILL ROAD  
PALO ALTO  
CALIFORNIA 94304-1018  
TELEPHONE: 650.813.5600  
FACSIMILE: 650.494.0792  
WWW.MOFO.COM

MORRISON & FOERSTER LLP  
NEW YORK, SAN FRANCISCO,  
LOS ANGELES, PALO ALTO,  
SAN DIEGO, WASHINGTON, D.C.,  
DENVER, NORTHERN VIRGINIA,  
ORANGE COUNTY, SACRAMENTO,  
WALNUT CREEK, CENTRAL CITY  
TOKYO, LONDON, BEIJING,  
SHANGHAI, HONG KONG,  
SINGAPORE, BRUSSELS

**RECEIVED**  
**CENTRAL FAX CENTER**

**To:****MAR 23 2005**

NAME:	FACSIMILE:	TELEPHONE:
Commissioner for Patents	703/872-9306	571/272-0952

**FROM:** Kimberly A. Bolin**DATE:** March 23, 2005

Number of pages with cover page:	5	
----------------------------------	---	--

Preparer of this slip has confirmed that facsimile number given is 10938/llg3  
correct:

#### **CAUTION - CONFIDENTIAL**

This facsimile contains confidential information which may also be privileged. Unless you are the addressee (or authorized to receive for the addressee), you may not copy, use, or distribute it. If you have received it in error, please advise Morrison & Foerster LLP immediately by telephone or facsimile and return it promptly by mail.

#### **Comments:**

Attorney Docket No.: 342312003601

Group Art Unit: 1653

Examiner: David Lukton

Serial No.: 09/942,431

Filing Date: August 29, 2001

Inventor(s): Nathaniel MILTON et al.

Title: ECHINOCANDIN PHARMACEUTICAL FORMULATIONS CONTAINING MICELLE-FORMING SURFACTANTS

Papers enclosed:

1. Transmittal (1 page);
2. Communication (3 pages).

pa-966609

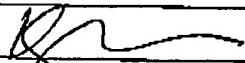
PTO/SB/21 (09-04)

Approved for use through 07/31/2008, OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>		Application Number 09/942,431
Total Number of Pages In This Submission 4	Filing Date August 29, 2001	
	First Named Inventor Nathaniel MILTON	
	Art Unit 1653	
	Examiner Name D. Lukton	
	Attorney Docket Number 342312003601	

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	1. Communication (3 pages) 2. Fax cover sheet
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application		Remarks
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	MORRISON & FOERSTER LLP (Customer No. 25226)		
Signature			
Printed name	Kimberly A. Bolin		
Date	March 23, 2005	Reg. No.	44,546

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no. (703) 872-9306, on the date shown below.

Dated: 03/23/05  
Date

Signature:

(Marta Linda Galermo)

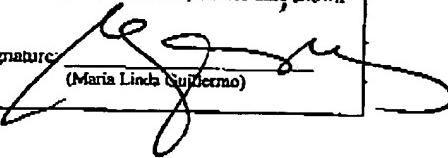
pa-966601

03/23/05 14:54 FAX

MOFO BLDG B2

RECEIVED  
CENTRAL FAX CENTER  003

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no. (703) 872-9306, on the date shown below.

Dated: 03/23/05 Signature:   
Data: 03/23/05 (Maria Linda Guidero)

MAR 23 2005

Docket No.: 342312003601  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Nathaniel MILTON et al.

Application No.: 09/942,431

Confirmation No.: 7457

Filed: August 29, 2001

Art Unit: 1653

For: ECHINOCANDIN PHARMACEUTICAL  
FORMULATIONS CONTAINING MICELLE-  
FORMING SURFACTANTS

Examiner: D. Lukton

**COMMUNICATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This communication to the office is with respect to the Interview Summary received by the Applicant as part of the communication from the Office dated March 3, 2005, which also included the Notice of Allowability, Notice of Allowance and Fees Due, and the Examiner's amendment. The Applicant notes that this communication is due 1 month from the date of the interview (February 23, 2005) or one month from the mail date of the Interview Summary (mail date March 3, 2005), whichever is later, therefore the due date for this communication is April 3, 2005. Accordingly, this communication is timely filed.

pa-966405

Application No.: 09/942,431

2

Docket No.: 342312003601

The Applicants concur with the Examiner's Interview Summary of the telephonic interview on February 23, 2005 between Examiner David Lukton and Kimberly Bolin, agent for the applicants, regarding authorizing the Examiner to cancel withdrawn claims 1-21, 37-39, 47-50. The Applicants note the cancellation of these claims was made by an examiner's amendment mailed March 3, 2005. No exhibits were submitted and no prior art was discussed.

The Applicants further note that the Examiner's amendment was also directed to providing an amendment of the specification on page 1, after the title, to include the cross reference to related applications. For the record, the Applicants note that this amendment was made previously in a preliminary amendment co-filed with the present application on August 29, 2001 and reflects the claim for domestic priority set out in the application data sheet also co-filed with the present application.

The Applicants further thank the Examiner for review of the cited references and return of the initialed PTO-1449 form submitted with the Supplemental Information Disclosure Statement dated January 14, 2004.

pa-966405

Application No.: 09/942,431

3

Docket No.: 342312003601

**CONCLUSIONS**

Applicants believe that no fees are due in connection with this communication. However, in the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 342312003601. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: March 23, 2005

Respectfully submitted,

By \_\_\_\_\_

Kimberly A. Bolin

Registration No.: 44,546  
MORRISON & FOERSTER LLP  
755 Page Mill Road  
Palo Alto, California 94304-1018  
(650) 813-5740

pa-966405